

## **REMARKS**

### **A. Status of the Claims**

Claims 1, 5, 7-8, 13, and 15-18 were under consideration in the case prior to the Amendment set forth herein, with claims 2-4, 6, 10-12, and 14 having been previously withdrawn from consideration as being directed to a non-elected invention. Claims 1, 9, 13, 16, and 18 have been amended in the Amendment set forth herein. New claims 19-27 have been added. No claims have been canceled. Therefore, claims 1, 5, 7-8, 13, and 15-27 are currently under consideration following entry of the Amendment set forth herein. Each of the claims under consideration following entry of the Amendment falls within the scope of the elected invention.

Support for the amendments to the claims and the new claims can be found generally throughout the specification, such as in the claims as originally filed. Specific examples of support include, but are not limited to, the following:

Claim 1 – Original claim 1 and page 1, line 25 – page 2, line 5; page 19, lines 26-29; page 20, lines 11-16; page 21, lines 11-13; page 22, lines 23-25.

Claim 9 – Original claim 9, page 22, line 4 – page 22, line 22.

Claim 13 – Same as for claims 5 and 9.

Claim 16 – Page 2, line 5.

Claim 18 – SEQ ID NO:1; page 13, lines 23-25, and page 15, lines 14-18.

Claim 19 – Example 5 (page 44, line 27 – page 45, line 29).

Claim 20 – Page 51, lines 13-15.

Claim 21 – Page 45, lines 27-29.

Claim 22 – Page 2, lines 13-26.

Claim 23 – Page 2, lines 27-28.

Claim 24 – Page 2, lines 13-26.

Claim 25 - Page 27, lines 4-23.

Claim 26 – Page 27, lines 4-23.

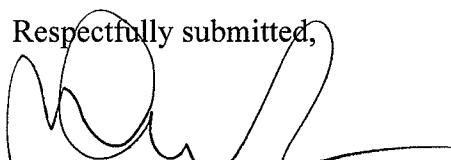
Claim 27 - Page 27, lines 4-23.

**B. Remarks**

Applicants respectfully request entry of the Amendment set forth herein. Regarding the 35 U.S.C. §102 rejections based on Yamamoto *et al.* and Li *et al.*, neither of these references anticipates the claimed invention because neither reference expressly or necessarily disclose a MUC1 test agent that is phosphorylated and comprises a YEKV site.

Regarding the rejection based on 35 U.S.C. §103(a), the pending claims are not unpatentable because Brent does not disclose MUC1, phosphorylated MUC1, or any information regarding beta-catenin.

The Examiner is invited to contact the undersigned attorney at (512) 536-5639 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,  
  
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